

House Bill 1350

By: Representatives Williams of the 4<sup>th</sup>, Dickson of the 6<sup>th</sup>, and Jerguson of the 22<sup>nd</sup>

A BILL TO BE ENTITLED  
AN ACT

To amend Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, so as to change certain provisions relating to the filing of bonds with applications for renewal of licenses; to change certain provisions relating to tax payment and reporting by licensees; to provide a date by which taxes must be paid for distilled spirits sold by the package or disposed of by wholesale dealers; to declare certain distilled spirits to be contraband; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, is amended by revising Code Section 3-4-20, relating to levy and amount of state occupational license tax upon distillers, manufacturers, brokers, importers, wholesalers, fruit growers, and retail dealers, as follows:

"3-4-20.

(a) An annual occupational license tax is imposed upon each distiller, manufacturer, broker, importer, wholesaler, fruit grower, and retail dealer of distilled spirits in this state, as follows:

- (1) Upon each distiller and manufacturer. . . . . \$ 1,000.00
- (2) Upon each wholesale dealer. . . . . 1,000.00
- (3) Upon each importer. . . . . 1,000.00
- (4) Upon each fruit grower. . . . . 500.00
- (5) Upon each broker. . . . . 100.00
- (6) Upon each retail dealer. . . . . 100.00

(b) The tax provided in this Code section shall be paid for each place of business operated. Such tax shall be paid to the commissioner when the licensee assumes control of the place

26 of business and applies for any beverage alcohol license and annually thereafter as long as  
27 the business is operated."

28 **SECTION 2.**

29 Said title is further amended by revising Code Section 3-4-61, relating to tax payment and  
30 reporting, as follows:

31 "3-4-61.

32 (a) Except as may otherwise be authorized in this title, the state excise taxes imposed by  
33 this part shall be paid by the licensed wholesale dealer in distilled spirits.

34 ~~(b) The taxes shall be paid on or before the tenth day of the month following the calendar~~  
35 ~~month in which the beverages are sold or disposed of within the particular municipality or~~  
36 ~~county by the wholesale dealer.~~

37 ~~(c)~~(b) Each licensee responsible for the payment of the excise tax shall file a report  
38 itemizing for the preceding calendar month, by size and type of container, the exact  
39 quantities of distilled spirits sold during the month within the state. The licensee shall file  
40 the report with the commissioner.

41 ~~(d)~~(c) The wholesaler shall remit to the commissioner the tax imposed by the state on the  
42 ~~tenth~~ fifteenth day of the month following the calendar month in which ~~the sales were made~~  
43 distilled spirits were disposed of or sold.

44 ~~(e) In order to phase in the reporting system of excise tax payment for distilled spirits and~~  
45 ~~alcohol:~~

46 ~~(1) The commissioner shall direct that no later than January 31, 1993, all persons who~~  
47 ~~made excise tax payments in respect of distilled spirits and alcohol sales in the State of~~  
48 ~~Georgia during the calendar year 1992 shall make a one-time deposit equal to the amount~~  
49 ~~of 25 percent of said tax payments. This one-time advance shall be repaid in full by the~~  
50 ~~state in equal semiannual installments over the period of 24 months following August 1,~~  
51 ~~1993, except that, in the event wholesalers made payments as provided for in this~~  
52 ~~paragraph, the commissioner shall repay such wholesalers in the form of semiannual~~  
53 ~~credits against future tax liability;~~

54 ~~(2) On February 1, 1993, or as soon thereafter as practicable, the commissioner shall~~  
55 ~~direct that an inventory be taken of stamped merchandise and tax stamps held by~~  
56 ~~manufacturers, shippers, and wholesalers. The commissioner shall issue refunds to all~~  
57 ~~manufacturers and shippers for the value of tax stamps in their possession on February~~  
58 ~~1, 1993, to be paid in 12 equal installments beginning on August 1, 1993. The~~  
59 ~~commissioner shall issue tax credits to wholesalers for stamps in inventory on February~~  
60 ~~1, 1993, which shall be applied as credits against the wholesaler's future tax liability for~~  
61 ~~the 12 month period beginning with the report due on August 10, 1993;~~

~~(3) Nothing in this subsection shall be construed to impose an additional excise tax on distilled spirits and alcohol held in inventory by wholesalers and retailers above the excise tax paid prior to February 1, 1993; and~~

~~(4) The commissioner shall adopt rules and regulations for the implementation of a reporting method of paying distilled spirits and alcohol excise taxes as well as the elimination of the use of any type of distilled spirits and alcohol stamp. The commissioner shall have full authority to allow credits or make refunds as provided for in this subsection.~~

(d) The commissioner shall adopt rules and regulations for the implementation of a reporting method of paying distilled spirits and alcohol excise taxes."

### SECTION 3.

Said title is further amended by adding a new subsection to Code Section 3-4-80, relating to the levy of tax on the sale of distilled spirits by the package, the rate of tax and manner of imposition, and the imposition of tax by both county and municipality located within a county, to read as follows:

"(d) The taxes shall be paid on or before the tenth day of the month following the calendar month in which the alcoholic beverages are sold or disposed of within the particular municipality or county by the wholesale dealer."

### SECTION 4.

Said title is further amended by revising Code Section 3-4-111, relating to the sale by wholesalers to licensees and the purchase by licensees from wholesalers, as follows:

"3-4-111.

(a) Those persons who are duly licensed as wholesalers of distilled spirits under this title may sell distilled spirits at wholesale prices to any person or persons licensed as provided in this article. Persons licensed under this article may purchase distilled spirits from a licensed wholesaler at wholesale prices.

(b) Any distilled spirits possessed, sold, or offered for sale by a retail dealer or retail consumption dealer which were purchased or otherwise acquired from any person other than a wholesale dealer authorized to do business under this chapter are declared to be contraband and shall be seized and disposed of by the commissioner in the manner so provided in this title."

**SECTION 5.**

Said title is further amended by revising Code Section 3-4-111.1, relating to occupational license tax upon retail consumption dealers and the bond required of applicants for a retail consumption dealer's license, as follows:

"3-4-111.1.

(a) An annual occupational license tax in the amount of \$100.00 is imposed upon each retail consumption dealer in this state.

~~Every applicant for a retail consumption dealer's license shall file with the commissioner, along with each application, a bond conditioned to pay all sums which may become due by the applicant to this state as taxes, license fees, or otherwise by reason of or incident to the operation of the business for which licensure is sought and conditioned in order to pay all penalties which may be imposed upon the applicant for failure to comply with the laws, rules, and regulations pertaining to distilled spirits. Surety for the bond shall be a surety company licensed to do business in this state and the bond shall be in such form as may be required by the commissioner. Such bond shall be in the amount of \$2,500.00. The tax provided in this Code section shall be paid for each place of business operated. It shall be paid to the commissioner when the licensee assumes control of the place of business and applies for any beverage alcohol license and annually thereafter as long as the business is operated."~~

**SECTION 6.**

Said title is further amended by revising Code Section 3-5-20, relating to levy and amount of state occupational license tax upon malt beverage brewers, manufacturers, brokers, importers, wholesalers, and retail dealers, as follows:

"3-5-20.

(a) An annual occupational license tax is imposed upon each brewer, manufacturer, broker, importer, wholesaler, and retail dealer of beer in this state, as follows:

- |   |             |
|---|-------------|
| (1) Upon each brewer. . . . .           | \$ 1,000.00 |
| (2) Upon each wholesale dealer. . . . . | 500.00      |
| (3) Upon each importer. . . . .         | 500.00      |
| (4) Upon each broker. . . . .           | 50.00       |
| (5) Upon each retail dealer. . . . .    | 50.00       |
| (6) Upon each brewpub operator. . . . . | 1,000.00    |

(b) The tax provided in this Code section shall be paid on each place of business operated and shall be paid to the commissioner when the licensee ~~enters~~ assumes control of the place

127 of business and applies for any beverage alcohol license and annually thereafter ~~so~~ as long  
128 as the business is operated and conducted."

129 **SECTION 7.**

130 Said title is further amended by revising Code Section 3-6-20, relating to levy and amount  
131 of tax upon wineries and retail dealers of wine, as follows:

132 "3-6-20.

133 (a) An annual occupational license tax is imposed upon each winery, manufacturer, broker,  
134 importer, wholesaler, and retail dealer of wine in this state, as follows:

135 (1) Upon each winery and manufacturer. . . . . \$ 1,000.00

136 (2) Upon each wholesale dealer. . . . . 500.00

137 (3) Upon each importer. . . . . 500.00

138 (4) Upon each broker. . . . . 50.00

139 (5) Upon each retail dealer. . . . . 50.00

140 (b) The tax provided in this Code section shall be paid for each place of business operated  
141 and shall be paid to the commissioner when the licensee assumes control of the place of  
142 business and applies for any beverage alcohol license and annually thereafter as long as  
143 the business is operated."

144 **SECTION 8.**

145 This Act shall become effective upon its approval by the Governor or upon its becoming law  
146 without such approval.

147 **SECTION 9.**

148 All laws and parts of laws in conflict with this Act are repealed.